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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/885,525	06/21/2001	David Robert Longden	3120973-0005	2623

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EXAMINER
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ART UNIT	PAPER NUMBER
3623	

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/885,525	LONGDEN, DAVID ROBERT
	Examiner	Art Unit	
	Jonathan G. Sterrett	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _21 June 2001_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-31_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-31_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _Oct 25, 2002_.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

Summary

1.   Claims 1-31 are pending in the application.

Claim Rejections - 35 USC § 112

1.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2.   **Claim 10** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding **Claim 10**, the phrase "**system seamlessly establishes a connection**" is cited. The term "**seamlessly**" makes the claim indefinite because it is not clear what exactly is meant.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6.   **Claims 1, 26, 27 and 28** are rejected under 35 U.S.C. 102(e) as being anticipated by **Sonnenfeld US 6,112,049.**

Regarding **Claim 1,** Sonnenfeld discloses:

(a) A questionnaire provided by a primary user, said questionnaire including a plurality of questions;

Column 5 line 16, a user (i.e. primary user) can create any number of tests (i.e. questionnaire).

Column 5 line 21, each test has a plurality of questions associated with it.

(b) a predefined weighting function associated with said questions;

Column 22 line 11-13, each question is weighted towards a total score depending on a schema (i.e. weighting function) determined by the test designer-see also column 27 line 46-55.

Column 32 line 47-50, test questions are scored at the end depending on their predetermined weight – see formula in line 50.

(c) a server operatively coupled with said secondary user, said server for providing said questionnaire to said secondary user for performing said interview;

Column 12 line 60-63, server runs the "Interactive Testing and Questionnaire System" (ITS) that allows any secondary user to access the system to take a test over the internet.

(d) memory associated with said server for storing results of said interview; and

Column 12 line 62-23, system interacts with any ODBC compliant database for storing tests and test results (i.e. interview results).

(e) a processor associated with said server for applying said predefined weighting function to said results of said interview for calculating a secondary user score, wherein if said secondary user score meets predefined criteria said secondary user proceeds to a second interview stage.

Column 12 line 60, ITS server hosts application over the internet so that all that is required is a web browser to access. This means that the server is an application server and therefore has a processor to provide the calculation functionality since only a browser is required to access the ITS functionality.

Column 32 line 47-53, scoring for a progressive test (i.e. interview) is done using a formula to calculate a minimum score that determines if a user (i.e. secondary user) will proceed to the second part of the progressive test (i.e. second interview stage).

Claim 26 recites similar limitations as those recited in **Claim 1** above, and is therefore rejected under the same rationale.

Regarding **Claim 27**, Sonnenfeld discloses:

(a) logging on to a predefined web site.

Column 17 line 1-3, ITS presents a URL for test designer to go to for creating a test.

Column 17 line 15-16, ITS presents a "Test Designer Login Screen".

(b) selecting a set of interview questions to be asked of a potential interviewer from a predefined list of questions; and

Column 26 line 1-4, test designer can click on "Select Questions" to select questions to be asked of a potential interviewer. Since the same menu also has "Add Questions" and "Create Questions", the submenu "Select Questions" indicates that questions in this section have been predefined.—see also column 9 line 35-36, questions can be reused.

(c) submitting said selected set of interview questions to a questionnaire creator for generating said automated interview.

Column 34 line 22-27, after the set of questions for a section has been selected, the designer can click the 'create' button to submit the selected set of test (i.e. interview) questions to ITS (i.e. questionnaire creator) to generate an automated interview.

Regarding **Claim 28**, Sonnenfeld discloses all the limitations of Claim 27 above, and also discloses:

the additional steps of creating and submitting a customized question.

Column 26 line 1-4, test designer can click on "Create Questions" to create a customized question to be asked of a potential interviewee.

Column 34 line 22-27, after the set of questions for a section has been created, the designer can click the 'create' button to submit the created set of test (i.e. interview) questions to ITS (i.e. questionnaire creator) to generate an automated interview.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   **Claims 2-6, 8-16, 29 and 31** are rejected under 35 U.S.C. 103(a) as being

unpatentable over **Sonnenfeld US 6,112,049**.

Regarding **Claim 2**, Sonnenfeld discloses all the limitations of Claim 1 above,

and also teaches:

wherein said secondary user is provided with a unique logon **before**

proceeding to said second interview stage, said unique logon **for identifying said**

second user.

Column 51 line 19-23, users enter a unique logon that uniquely identifies them

from all other users taking a test. This logon would be required before taking the

second session (i.e. second interview stage) of a progressive test.

Column 21 line 15-17, progressive tests are provided where users can go on to

additional sections (i.e. second interview stage) dependent on their results from the first

part of the test.

Sonnenfeld does not teach where the unique logon is a:

personal identification number (PIN)

Official Notice is taken that the use of personal identification numbers (PIN's) are old and well known in the art for assigning a unique, secure number to a person for the purpose of providing them with secure access. PIN's provide efficient means for allowing users to access a system using only a numeric character string.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Sonnenfeld, regarding providing a unique logon to the system to ensure that tests are being taken by the designated individual, with where the unique logon is a PIN, because it would provide an efficient means for providing a user with secure access to a system.

Regarding **Claim 3**, Sonnenfeld teaches all the limitations of Claim 2 above, and also teaches:

wherein said second interview stage includes a further plurality of questions comprising a first and a second set, said first set including questions to be asked of a plurality of said secondary users and said second set including questions to be asked of said secondary user in accordance with said PIN.

Column 21 line 15-17, progressive tests are provided where users can go on to additional sections (i.e. second interview stage) dependent on their results from the first part of the test.

Column 14 line 49-55, each test is comprised of a number of questions logically arranged in sections.

Column 21 line 24-26, there can be several different sections on part 2 of a multipart progressive test (i.e. interview stage) because the section given depends on how well the user performed in the last section.

Column 51 line 19-23, users enter a unique logon (or PIN as discussed above) that uniquely identifies them from all other users taking a test. This logon would be required before taking the second session (i.e. second interview stage) of a progressive test.

Regarding **Claim 4**, Sonnenfeld teaches all the limitations of Claim 3 above, and also teaches:

wherein said processor selects ones of said plurality of questions in accordance with said PIN, wherein said selected questions are associated with said secondary user.

Column 51 line 19-23, users enter a unique logon that uniquely identifies them from all other users taking a test. This logon would be required before taking the second session (i.e. second interview stage) of a progressive test. Sonnenfeld teaches

that a test must be uniquely associated with a user, to ensure that the user takes the

test and not someone else.

When a person is taking a test, the processor within the ITS server pulls the test

associated with that user and presents the test (i.e. interview) to that user.

Regarding **Claim 5**, Sonnenfeld teaches all the limitations of Claim 4 above, and

also teaches:

wherein said questionnaire is provided to said secondary users via a

computer network.

Column 12 line 66-column 13 line 2, users (i.e. secondary users) access the test-

taking system (i.e. questionnaire) over a network.

Regarding **Claim 6**, Sonnenfeld teaches all the limitations of Claim 5 above, and

also teaches:

wherein said computer network is the Internet.

Column 13 line 8-10, users can access the questionnaire over the internet.

Regarding **Claim 8**, Sonnenfeld teaches all the limitations of Claim 4 above, and

also teaches:

wherein said PIN is provided to said secondary user for later use by said

secondary user.

Column 51 line 19-23, the logon information is provided to the user whenever they log into the ITS system, including for later use by the user (i.e. secondary user).

Regarding **Claim 9**, Sonnenfeld teaches all the limitations of Claim 8 above, and also teaches:

wherein said secondary user utilizes said PIN for identification upon establishing a connection with said second interview stage.

Column 51 line 19-23, the logon information is provided to the user for use whenever they log into the ITS system, including taking subsequent sections of a progressive test (i.e. second interview stage).

Regarding **Claim 10**, Sonnenfeld teaches all the limitations of Claim 4 above, and also teaches:

wherein said system seamlessly establishes a connection between said secondary user and said second interview stage in real time.

Column 12 line 60, invention runs over the internet providing connection between users and the second interview stage –see column 21 line 15-20 for the progressive testing provided by the invention (i.e. second interview stage).

Since the invention is hosted over the internet, by definition the internet provides online, real time functionality (Real time for on line applications as defined by "Dictionary of Computers, Information Processing, and Telecommunications").

Regarding **Claim 11**, Sonnenfeld teaches all the limitations of Claim 4 above, and also teaches:

wherein said memory comprises a database for storing and managing said results of said interview.

Column 12 line 58-62, system for providing tests (i.e. interviews) uses an ODBC compliant database for storing the results of tests (i.e. interviews)-see Figure 1.

Regarding **Claim 12**, Sonnenfeld teaches all the limitations of Claim 11 above, and also teaches:

wherein said database provides report generation.

Column 8 line 53, summary reports provided of test results.

Column 9 line 58-65, various reporting formats are provided by database system.

Regarding **Claim 13**, Sonnenfeld teaches all the limitations of Claim 12 above, and also teaches:

Entering the fax number of the test taker into the system (column 51 line 49-51).

Emailing the person taking the interview their results (column 53 line 23-28).

Sonnenfeld does not teach:

wherein said report generation comprises preparing said report and transmitting said report via facsimile.

Official Notice is taken that it is old and well known in the art to fax documents,

including reports. This is used to transmit copies of documents in a rapid and efficient

manner.

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the teachings of Sonnenfeld, regarding providing reports of the

results of an interview, where those results are faxed to the interviewee, because it

would provide a rapid and efficient way to transmit the results.

Regarding **Claim 14**, Sonnenfeld teaches all the limitations of Claim 12 above,

and also teaches:

wherein said report generation comprises preparing said report and

transmitting said report via a digital storage medium.

Column 53 line 23-28, test reports can be sent to the test user via email (i.e.

digital storage medium).

Regarding **Claim 15**, Sonnenfeld teaches all the limitations of Claim 14 above,

and also teaches:

wherein said digital medium comprises e-mail, magnetic storage devices

and optical storage devices.

Column 53 line 23-28, test reports can be sent to the test user via email.

Column 59 line 25-27, test designer can email results to test taker, but only if the

test taker has an email address. If the test taker does not have an email address the

test designer can utilize the test taker's mailing address in the system (see column 56

line 38-45) to send test results via magnetic or optical storage devices (e.g. floppy disk

or CD-ROM).

Since ITS can be accessed online, as discussed above, the test taker can obtain

results through their own login screen (see column 59 line 31-34). The test taker

accesses ITS through a PC (column 3 line 21-25) which has other facilities, including a

CD-ROM and magnetic disk drive, to assist the test taker, including for obtaining results.

Regarding **Claim 16**, Sonnenfeld teaches all the limitations of Claim 11 above,

and also teaches:

wherein said database provides structured query language (SQL) searches.

Column 12 line 60-65, ITS system runs with any standard ODBC compliant

database. ODBC compliant databases inherently provide for SQL searches.

Regarding **Claim 29**, Sonnenfeld discloses all the limitations of Claim 28 above,

and also teaches:

Creating custom questions where the user can enter their own custom question

.(as per Claim 28 above – see also column 9 line 28, users can design 'fill in the blank'

question).

Sonnenfeld does not teach:

wherein said questions are capable of being posed in a plurality of different languages in accordance with predefined criteria.

The examiner takes Official Notice that creating interview questions in a plurality of different languages is old and well known in the art. Communicating interview questions in a person's native tongue is a common way to ensure the question is clearly understood by the interviewee. The person creating the question must have sufficient knowledge of the language to correctly formulate the question (i.e. predefined criteria of understanding the language).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Sonnenfeld, regarding providing customized questions for an interview, to include the step wherein the questions are capable of being posed in a plurality of different languages, because it would ensure that a person answering interview questions would clearly understand the question being asked.

Claim 31 recites similar limitations as those recited in **Claim 6** above, and is therefore rejected under the same rationale.

4. **Claims 7 and 30** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Sonnenfeld US 6,112,049** in view of **Thompson US 6,334,133**.

Regarding **Claim 7**, Sonnenfeld teaches all the limitations of Claim 4 above, but

does not teach:

wherein said questionnaire is provided to said secondary users via a

telephone network.

Thompson teaches:

wherein said questionnaire is provided to said secondary users via a

telephone network.

Column 9 line 59-64, system calls potential workers over telephone system with

a set of pre-recorded prompts (i.e. questionnaire) to obtain their responses via the

telephone system.

Both Sonnenfeld and Thompson address obtaining remote answers to questions

posed to users and thus both are analogous art.

Official Notice is taken that more individuals have access to telephone service

than to internet service. Providing phone access to a system will provide more potential

users than by only providing internet access.

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the teachings of Sonnenfeld, regarding providing a questionnaire

over a network for uses to access, to include the step of providing telephone access to

a set of questions, as taught by Thompson, because it would provide a greater number

of users with access to the questionnaire.

Claim 30 recites similar limitations as those recited in **Claim 7** above, and is

therefore rejected under the same rationale.

4.   **Claims 17-25** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Sonnenfeld US 6,112,049 in view of **Beck US 6,332,154.**

Regarding **Claim 17**, Sonnenfeld teaches all the limitations in Claim 1 above

except for:

(c) wherein said tertiary user is connected with said interview via said

secondary user;

Beck teaches:

(c) wherein said tertiary user is connected with said interview via said

secondary user;

Column 39 line 62-66, a user contacting the call center (i.e. a tertiary user) is

connected with a live attendant (i.e. secondary user) who records all the interactions.

These interactions are recorded into the system.

Column 19 line 27-32, a client survey (i.e. interview) is gathered from the client as they connect to the system.

Both Sonnenfeld and Beck address issues with providing interaction with users to record information, thus both are analogous art.

Beck teaches his method of connecting a tertiary user with an interview through a secondary user enables the enterprise to resolve customer issues and difficulties efficiently (column 4 line 65-67).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Sonnenfeld, regarding providing interviews to a secondary user, to include the step of connecting a tertiary user to the interview through the secondary user, as taught by Beck, because it would provide an efficient means of resolving customer difficulties associated with the tertiary user.

Claims 18-23 recite similar limitations as those recited in **Claims 11-16** above, and are therefore rejected under the same rationale.

Regarding **Claim 24**, Sonnenfeld and Beck teach all the limitations of Claim 17 above, but Sonnenfeld does not teach:

   wherein said questions further include questions provided to said tertiary

users regardless of said PIN.

   Beck teaches:

   wherein said questions further include questions provided to said tertiary

users regardless of said PIN.

   Column 39 line 62-66, a user contacting the call center (i.e. a tertiary user) is

connected with a live attendant (i.e. secondary user) who records all the interactions.

These interactions are recorded into the system. This interaction is provided to users

regardless of their entering a PIN.

   Both Sonnenfeld and Beck address issues with providing interaction with users to

record information, thus both are analogous art.

   Beck teaches his method of connecting a tertiary user with an interview thru a

secondary user enables the enterprise to resolve customer issues and difficulties

efficiently (column 4 line 65-67).

   It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the teachings of Sonnenfeld, regarding providing interviews to a

secondary user, to include the step of connecting a tertiary user to the interview through

the secondary user without the use of a PIN, as taught by Beck, because it would

provide an efficient means of resolving customer difficulties associated with the tertiary user.

Regarding **Claim 25**, Sonnenfeld and Beck teach all the limitations of Claim 17 above, but Sonnenfeld does not teach:

wherein said primary user is a company or employee thereof, said secondary user is a customer support representative and said tertiary user is a client.

Beck teaches:

wherein said primary user is a company or employee thereof, said secondary user is a customer support representative and said tertiary user is a client.

Column 5 line 29, system accepts communications from clients (i.e. tertiary users).

Column 39 line 64, the live attendant is a customer support representative interacting with customers (i.e. clients).

Column 6 line 5, an enterprise worker (i.e. primary user) programs the wizards later used by secondary users for interacting with customers and gathering information from them.

Both Sonnenfeld and Beck address issues with providing interaction with users to record information, thus both are analogous art.

Beck teaches his method of connecting a tertiary user with an interview thru a

secondary user enables the enterprise to resolve customer issues and difficulties

efficiently (column 4 line 65-67).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the teachings of Sonnenfeld, regarding providing interviews to a

secondary user, to include the step of connecting a tertiary user to the interview through

the secondary user without the use of a PIN, as taught by Beck, because it would

provide an efficient means of resolving customer difficulties associated with the tertiary

user.

Conclusion

9.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

US 6,311,190 by Bayer discloses a system for providing multi-lingual, multi part

questionnaires and survey over the internet.

Parnell, John A; "Improving the fit between organizations and employees", Winter

1998, Advanced Management Journal, v63n1, pp35-42, Dialog 01607478 02-58467.

"Interactive Services Conference", January 22, 1996, Computer Conference

Analysis Newsletter, n378, p1. Dialog 01897922 17932415.

Nixon, Judy, "Developing the virtual classroom: a business school example",
1997, Education & Training, v39, n8/9, pp.349-353.

Rosenberg, Jerry, "Dictionary of Computers, Information Processing &
Telecommunications", 1987 2nd Edition, p517.
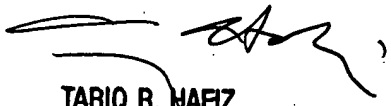
Conclusion

10.   Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Jonathan G. Sterrett whose telephone number is 571-
272-6881. The examiner can normally be reached on 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for
the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the
Patent Application Information Retrieval (PAIR) system. Status information for
published applications may be obtained from either Private PAIR or Public PAIR.
Status information for unpublished applications is available through Private PAIR only.
For more information about the PAIR system, see http://pair-direct.uspto.gov. Should
you have questions on access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free).

JGS 5-23-2005

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